

## PROTECTION OF FUR SEALS IN PRIBILOF ISLANDS

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DECEMBER 20, 1943.—Ordered to be printed

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Mr. CLARK of Missouri, from the Committee on Foreign Relations,  
submitted the following

## REPORT

[To accompany H. R. 2924]

The Committee on Foreign Relations, to whom was referred the bill (H. R. 2924) to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

A subcommittee had under consideration S. 1219 and its companion bill H. R. 2924, which passed the House of Representatives October 18, 1943. The subcommittee considered both bills and a majority of the subcommittee voted to report the House bill, H. R. 2924, favorably to the full committee for action.

The full committee considered the report of the subcommittee and both bills, and voted to favorably report H. R. 2924 to the Senate for action.

The general circumstances surrounding the proposed legislation were incorporated in a report by the Committee on the Merchant Marine and Fisheries, House of Representatives, Report No. 746, Seventy-eighth Congress, first session, to accompany H. R. 2924. The essential part of this material is reprinted at this point for the benefit of the members.

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[H. Rept. No. 746, 78th Cong., 1st sess.]

## GENERAL STATEMENT

The purpose of the bill is to provide legislation to give effect to the Provisional Fur Seal Agreement of 1942 between the United States and Canada for the purpose of protecting the fur seals of the Pribilof Islands, which have been unprotected on the high seas since the abrogation by Japan of the Fur Seal Convention concluded by the United States, Great Britain, Russia, and Japan on July 7, 1911.

The convention of 1911 between the United States and other powers providing for the preservation and protection of fur seals was signed at Washington on

July 7, 1911, by plenipotentiaries representing the President of the United States, His Britannic Majesty, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias. Ratification was advised by the United States Senate, July 24, 1911, followed by ratification by Great Britain, Russia, and Japan. The President of the United States ratified the convention on November 24, 1911, and proclaimed it on December 14, 1911 (37 Stat. 1542).

The essential provisions of the convention were as follows:

1. Pelagic sealing in the North Pacific Ocean was prohibited, and general procedures for apprehending and dealing with violators were established.

2. The use of ports of the contracting parties for operations connected with pelagic sealing was prohibited.

3. The landing of sealskins unlawfully taken was not permitted.

4. Indians, Ainos, Aleuts, and other aborigines were exempted, with certain limitations, from the prohibitions of the convention.

5. The killing of sea otters in waters more than 3 miles from the shore was prohibited.

6. The contracting parties agreed to enact and enforce legislation to make the convention effective.

7. A guard or a patrol was to be maintained in waters frequented by seal herds.

8. Mutual cooperation to prevent pelagic sealing was pledged.

9. The United States agreed to deliver to Japan 15 percent, and to the Canadian Government 15 percent, of the gross number and value of sealskins taken on the Pribilof Islands.

10. The United States was to make advance cash payments of \$200,000 to Great Britain and \$200,000 to Japan, in lieu of the number of fur-seal skins to which they would be entitled during the first several years after the entry into force of the convention, and a minimum share of the take of sealskins was allocated to Britain and Japan.

11. Russia agreed to deliver to Canada 15 percent and to Japan 15 percent of the sealskins taken on the Commander Islands.

12. Japan agreed to deliver to the United States 10 percent; to Canada 10 percent, and to Russia 10 percent of the sealskins taken on Robben Island.

13. Great Britain agreed that in case seals resorted to any islands or shores subject to her jurisdiction in the North Pacific Ocean she should deliver to the United States 10 percent, to Japan 10 percent, and to Russia 10 percent of the total number of skins taken.

14. The duration of the convention was specified as 15 years and was to continue thereafter until terminated by 12 months' notice given by one or more of the parties.

As a result of the notice of abrogation given by the Japanese Government on October 23, 1940, the convention terminated in October 1941. Upon receipt of the Japanese notice of abrogation steps were taken immediately by the United States with a view to the conclusion of a new agreement with the countries concerned, and efforts were being made in that direction at the time Japan declared war upon the United States.

It was then determined by representatives of the Department of State, after consultation with representatives of the Department of the Interior, as well as with appropriate officials of the Canadian Government, that a temporary arrangement should be made for the purpose of protecting the rights and interests of Canada and the United States in the fur seal resources of the North Pacific Ocean and in the fur seal herds on the Pribilof Islands. Accordingly, a provisional agreement was concluded between the United States and Canada by an exchange of notes between the Secretary of State and the Canadian Minister in Washington (December 8, 1942; December 19, 1942). In general, and insofar as applicable to the circumstances that arose because of the Japanese abrogation of the 1911 convention, the provisions of that convention have been incorporated in the new agreement with Canada. The principal new provisions in the agreement are as follows:

1. The Canadian share of the sealskins taken annually on the Pribilof Islands has been increased from 15 to 20 percent. (Canada is to receive one-third and the United States to retain two-thirds of the 15 percent formerly received by Japan.) This further division of the take of sealskins is in recognition of cooperation extended by the Canadian Government in the conservation of the fur-seal herds of the Pribilof Islands.

2. A provision making possible the issuance of special permits for the taking of fur seals for the purpose of scientific research and providing for the exchange between the two Governments of information resulting from such research.

3. A provision that the two Governments consult from time to time concerning the level of population at which the fur-seal herds of the Pribilof Islands are to be maintained, and regarding other important phases of management or policy.

4. A provision permitting pelagic sealing (taking of seals on the high seas) under emergency circumstances. This provision was included because of war conditions in order (a) to insure the utilization of the fur-seal herd in the event it should become impossible to take fur seals on the Pribilof Islands, and (b) to allow the United States and Canada to exercise privileges equal or comparable to those the Japanese might be in a position to exercise.

The provisional agreement was concluded with Canada by an exchange of notes in order to provide proper protection for the fur seals at the earliest possible time. In concluding such a provisional agreement, negotiations could be confined to the Governments of the United States and Canada. The conclusion of a formal treaty, on the other hand, would have involved reference of the matter to the British Government in London, and possibly to the Government of the Soviet Union, with the probability that attendant delays would arise from wartime difficulties, including those of communications. Neither the British Government nor the Soviet Union shared in the fur-seal take of the Pribilof Islands under the convention of 1911. It is understood that as soon as world conditions permit, negotiations toward concluding a new international convention for the protection of the fur seals of the North Pacific Ocean will be resumed.

The proposed legislation gives effect to the provisional agreement with respect to fur seals and sealing. There has been included a reenactment in modified form of provisions of existing law authorizing the protection and administration of the fur-seal herds. Any legislation relating to pelagic sealing is closely related to legislation affecting the administration of the Pribilof Islands and the seal herds found thereon, which are now under the jurisdiction of the Secretary of the Interior and administered by the Fish and Wildlife Service of the Department of the Interior. Existing legislation affecting the Pribilof Islands and the fur-seal herds in the North Pacific is based on numerous enactments over a period of many years, beginning in 1868. In the bill under consideration all appropriate provisions of existing law have been retained, sometimes in somewhat modified form, and have been rearranged in the interest of simplification.

Section 1 of the bill contains definitions of terms used throughout the bill.

Section 2 makes it unlawful for a citizen, national, or other person to engage in pelagic sealing or the killing of sea otters in the North Pacific Ocean or to transport, import, sell, or possess fur-seal or sea otter skins taken contrary to the provisions of the act. All skins legally taken are to be marked and certified as having been so taken, and only officially marked skins may be transported, possessed, or sold.

Section 3 permits Indians, Aleuts, or other aborigines to carry on pelagic sealing and sea otter hunting, only from canoes or undecked boats propelled by oars or sails and without the use of firearms. Skins so taken may be disposed of but only after they have been officially marked and certified.

Section 4 authorizes the Secretary of the Interior to permit sealing on the Pribilof and other islands under the jurisdiction of the United States by officers and employees of the Fish and Wildlife Service, pursuant to suitable regulations governing sealing which shall be consistent with the preservation of the fur-seal herds. The Secretary of the Interior is also authorized to permit pelagic sealing only under emergency conditions after consultation between the Governments of the United States and Canada.

Section 5 provides, subject to the provisions of sections 3 and 15, for the sale by the Secretary of the Interior of all seal or sea otter skins taken on the Pribilof Islands or forfeited to the United States, and of all sealskins delivered to the United States pursuant to any fur-seal agreement, and directs that the proceeds of such sale shall be paid into the Treasury of the United States.

Section 6 declares the Pribilof Islands to be a special Government reservation and prohibits the landing by any person upon those islands, except under emergency or unavoidable causes, or by authority of the Secretary of the Interior. A penalty is prescribed for violation of this provision.

Section 7 provides that native inhabitants of the Pribilof Islands shall be employed in the taking and curing of fur-seal skins and shall receive fair compensation for their labor.

Section 8 provides that the Secretary of the Interior shall have authority to establish and maintain depots for provisions and supplies, to provide transportation and to furnish food, shelter, fuel, clothing, and other necessities of life, including education and protection, to the natives of the Pribilof Islands.

Section 9 authorizes scientific investigations of the fur seals of the North Pacific Ocean by the Fish and Wildlife Service.

Section 10 provides for enforcement of the provisions of the proposed act by various officers of the United States, and establishes procedure for the apprehension and trial of violators. It provides also for the seizure of skins taken contrary to the provisions of the proposed act and for the seizure of vessels and other property used in violation of the proposed act.

Section 11 provides penalties for violation of the provisions relating to the killing of fur seals and sea otters.

Section 12 stipulates that collectors of customs shall enforce the provisions with respect to the importation of fur-seal and sea-otter skins.

Section 13 provides for seizure and detention of persons or vessels violating the provisions as to pelagic sealing outside of the limits of territorial jurisdiction.

Section 14 provides that it shall be the duty of the President to maintain a patrol for the protection of fur-seal and sea-otter herds.

Section 15 authorizes the Secretary of the Interior to receive fur-seal skins taken by any party to any fur-seal agreement tendered for delivery to the United States, and authorizes the Secretary to deliver to the authorized agents of any Government that is a party to a fur-seal agreement the skins to which the other Government is entitled under the provisions of such agreement.

Section 16 authorizes the Secretary of the Interior to issue special permits to take fur seals or sea otters or their skins for scientific purposes.

Section 17 directs the Secretary of the Interior to administer the act through the Fish and Wildlife Service and to make regulations necessary for the enforcement of its provisions and those of any fur-seal agreement. The section also authorizes that the Secretary of the Interior shall employ, out of such moneys as may be appropriated for such purposes, such individuals and means as he may deem necessary for the administration of the act and of any other function imposed upon him by any fur-seal agreement.

Section 18 repeals previous acts and parts of previous acts that are inconsistent with the provisions of the bill.

Section 19 limits the effective period of provisions of the bill relating solely to the agreement or which in their direct application as implementing legislation relate solely to the agreement.

#### HISTORICAL RÉSUMÉ

The Pribilof Islands, named after Gerassim Pribilof, the Russian navigator who discovered them in 1786, were under Russian control for 81 years ending in 1867, when the United States purchased Alaska and acquired the islands as a part of the Territory.

It is probable that before the discovery of the islands the herds of fur seals on them may have aggregated as many as 4,000,000 animals. Existing records indicate that prior to 1834 about 2,000,000 skins had been taken by the Russians and by that time the herd had become so reduced in numbers that restrictive measures were applied. From 1935 to 1867 about 600,000 fur-seal skins were taken at the Pribilof Islands and during this period of restricted slaughter the herd increased to probably about 3,000,000 animals.

The number of fur seals in the herd at the time Alaska came into the possession of the United States has been variously estimated at from 2 to 5 million animals. During the seasons of 1868 and 1869, the first 2 years immediately following the purchase of Alaska, the killing of seals was unrestricted and large numbers were taken by various independent groups and enterprises. For a period of 40 years from May 1, 1870, to May 1, 1910, the right to take fur-seal skins on the Pribilof Islands was leased by the United States Government to private corporations. The annual take of fur-seal skins under the first lease from 1870 to 1890 was frequently in excess of 100,000, and the total for the 20-year period was 1,977,377. The total obtained by the lessees during the 20 years from May 1, 1890, to May 1, 1910, was 342,651 skins.

Leasing of sealing rights on the Pribilof Islands was discontinued in 1910 and since that time the Alaska fur-seal herds have been administered first by the Secretary of Commerce and now by the Secretary of the Interior, through the Fish and Wildlife Service.

When the Government assumed control in 1910 and conducted sealing operations on its own account, the herds numbered only about 130,000 animals. The primary reason for this decrease was the highly wasteful and objectionable practice of pelagic sealing, or the killing of the seals in the water. Pelagic sealing



began as a commercial enterprise about 1882 and reached its maximum in 1894, when approximately 61,000 skins were taken at sea by pelagic sealing. Pelagic sealing frequently results in the killing of many animals that sink and are never recovered, causes females as well as males to be killed, and results in the death of suckling pups through starvation since a female seal refuses to nurse any but her own pup.

Pelagic sealing in the waters of the North Pacific Ocean was terminated by the conclusion of the international convention between the United States, Great Britain, Russia, and Japan, signed on July 7, 1911. Japan gave notice of her intention to withdraw from the treaty in October 1941 and abrogation became effective 1 year later. The reason for abrogation given by the Japanese Government was that the seals inflicted both direct and indirect damage on their fishing industry. Indirect word has been received that Japan is now permitting pelagic sealing in the vicinity of islands off her own coast.

In lieu of the 15 percent of the fur-seal skins taken on the Pribilof Islands annually that were allotted by the 1911 convention to Japan, she elected to receive the value of the skins in cash. The payments under the treaty provisions to Japan have amounted to approximately \$1,500,000.

The benefits derived from the convention are shown by the fact that in the 30 years of direct Government control of operations from 1911 to 1941, the herds on the Pribilof Islands increased about sixteenfold. The annual computation made in 1941 indicated that 2,338,000 animals were resident in the herds on the islands.

The take of sealskins on the islands in 1941 was more than 95,000. During 1942 only 127 skins were taken since military authorities ordered evacuation of the islands shortly after sealing operations for the season had begun. The natives were removed by transport to Funter Bay, 1,500 miles distant from the Pribilofs and situated about 50 miles from Juneau in southeastern Alaska.

Fur-sealing operations at the islands during 1943 concluded in August. They were carried out in secrecy and with the cooperation of the United States Army because of the proximity of the islands to sites of military operations. The 1943 take of skins was the largest ever made during the period of Government-controlled operations and aggregated 117,164 skins. This large take of skins represents only the withdrawal of an excess number of young males and will in no way jeopardize the herd. Actually, because of the extreme polygamy practiced by the fur seals, it will stimulate the growth of the herd.

In connection with the 1943 take of sealskins, there were produced about 55,000 gallons of seal oil and 390 tons of meal. Because of the importance of marine animal oils and meal in the war program, these byproduct operations have unusual significance.

Since the beginning of the fiscal year 1918, the sum of \$8,700,214 has been turned into the Treasury as net proceeds of the fur-seal industry after payments of money due other governments under the Fur Seal Convention of 1911. Of this amount, \$7,609,747 was derived from the sale of sealskins, \$960,537 from fox skins, which are obtained incidentally to the sealing operations, and about \$129,930 from miscellaneous items, chiefly fur-seal oil and meal. The above totals do not include the substantial return that will be derived from the record take of fur seals during 1943.

Twenty percent of the 1943 take of sealskins has been set aside for delivery to Canada as soon as legislation is passed to implement the provisional fur seal agreement of 1942.

For the information of the Members, the reports of the Secretary of the Interior and the Secretary of State on the pending legislation, are appended below.

THE SECRETARY OF THE INTERIOR,  
Washington 25, September 29, 1943.

Hon. S. O. BLAND,  
*Chairman, Committee on the Merchant Marine and Fisheries,  
House of Representatives.*

MY DEAR MR. BLAND: Reference is made to your letter of June 12, 1943, requesting a report on H. R. 2924, entitled, "A bill to give effect to the provisional fur-seal agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes."

I recommend that the proposed legislation be enacted.

The purpose of the bill is to implement the provisional fur-seal agreement of 1942 between the United States and Canada, and to provide for the proper administration of the Pribilof Islands, the protection as well as the utilization of the fur-seal herd of the North Pacific, and the protection of sea otters.

While fur seals are migratory in their habits, the Alaska or North American fur-seal herd makes its home on the Pribilof Islands during the months of June, July, August, September, and October of each year, in which period the females give birth to their young. Under the provisions of the act of April 21, 1910, and prior acts, fur seals have been protected against unrestricted killing while they remain on the islands or in the waters immediately adjacent thereto. Protection on land alone, however, is not sufficient to maintain the herd, as the females, in order to obtain food, are obliged to leave their pups on the islands, and go offshore for many miles, where they become easy prey to pelagic sealers.

To prevent this wasteful slaughter, the Fur Seal Convention of 1911 and the implementing act of August 24, 1912, prohibited pelagic sealing in the waters of the Bering Sea and the North Pacific Ocean at all times. As a result the herd increased from the low figure of 125,000 animals in 1911 to approximately 2,338,000 animals in 1941. At the same time it was possible to permit an increase in the take of sealskins on the islands to such an extent that in 1941 it aggregated more than 95,000 skins.

Notwithstanding the benefits derived by all parties to the convention of 1911, the Japanese Government gave notice of abrogation of the convention on October 23, 1940, and in accordance with its provisions the convention terminated in October 1941. Termination of the convention automatically made the act of 1912 inoperative so that now no effective ban on pelagic sealing exists, although prior legislation prohibits citizens of the United States from engaging in pelagic sealing.

Upon receipt of the Japanese notice of abrogation, steps were taken immediately by this Government toward concluding a new agreement with the countries concerned, and efforts were being made in this direction when hostilities with Japan began. It was then determined, in consultation with representatives of the Department of State and the appropriate Canadian authorities, that a temporary agreement should be made for the purpose of protecting the rights and the interests of Canada and the United States in the fur-seal herd of the Pribilof Islands, especially to permit the continued utilization of this resource in an economic way. There was general agreement that the Fur Seal Convention of 1911 had been outstanding in the field of conservation, and that its beneficial effects should be preserved. Accordingly, a provisional agreement has been concluded between the United States and Canada, and it is now proposed to enact legislation which will effectuate the provisions of that agreement, as well as such other agreements as subsequently may be found necessary to protect the fur-seal herd.

In general, the provisions of the fur-seal convention of July 7, 1911, have been incorporated in the provisional agreement, copies of which are enclosed for your information. Likewise, those provisions of the bill relating to pelagic sealing follow the provisions of the act of August 24, 1912, except to the extent that modification is necessary in order to place them in line with those of the present provisional agreement. The principal new provisions in the agreement are as follows: An increase in the Canadian share of the fur sealskins taken annually on the Pribilof Islands from 15 to 20 percent (from the 15 percent formerly received by Japan) in recognition of the principles underlying the Fur Seal Convention of 1911, and of the cooperation extended by the Canadian Government in connection with scientific arrangements for the conservation of the fur-seal herd of the Pribilof Islands; a provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research; and a provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained and other important phases of management or policy. A provision is also included in the agreement providing for pelagic sealing in emergency circumstances. This provision was included to insure the utilization of the fur seal herd in the event war conditions became such as to make it impossible to take seals on the Pribilof Islands.

Any legislation relating to pelagic sealing or to any international agreement with respect to sealing is closely related to legislation affecting the administration of the Pribilof Islands and the seals found thereon. The bill includes a reenactment in somewhat modified form of those provisions of existing law authorizing the protection and the administration of the fur-seal herd. This seems to be desirable because, aside from the close relationship of these subject matters, conditions affecting both the islands and the herd have changed to such an extent over a period of years that the necessity for certain phases of prior legislation has disappeared. Moreover, the existing law affecting the Pribilof Islands and the fur-seal herd in the North Pacific is drawn from numerous and not entirely con-

sistent enactments over a period of years, beginning in 1868. The revision of the existing law should simplify the administration of this important national resource.

The enactment of this legislation and the subsequent enforcement of it would not add in any appreciable degree, if at all, to expenses at the present time being incurred in and about the protection of seals and sea otters in Alaska.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

HAROLD L. ICKES, *Secretary of the Interior.*

DEPARTMENT OF STATE,  
Washington, December 8, 1942.

The Honorable LEIGHTON MCCARTHY, K. C.,  
*Minister of Canada.*

SIR: I have the honor to refer to the conversation on August 12, 1942, between Mr. Merchant M. Mahoney, counselor of the Canadian Legation, and an officer of the Department when Mr. Mahoney left an informal memorandum dated August 10, 1942, in which it is stated that the terms of the Department's note dated May 7, 1942, and the proposed provisional fur-seal agreement between the United States and Canada contained therein are generally acceptable to the Canadian authorities but that the Canadian Department of Fisheries desires an interpretation of certain specific points.

The first of the points on which an interpretation is desired relates to the basis for the suggestion made by this Government that the Canadian share of the fur sealskins taken annually on the Pribilof Islands be increased to 20 percent by adding to the 15 percent heretofore received by Canada under the fur-seal convention concluded on July 7, 1911, between the United States, Great Britain, Japan, and Russia, a part of the share formerly received by Japan under that convention. With regard to this, I am pleased to say that, in accordance with conversations between representatives of our two Governments, this Government's proposal that the Canadian share of the fur sealskins be increased to 20 percent is in recognition of the principles underlying the fur-seal convention of July 7, 1911, and the cooperation of the Canadian Government in scientific arrangements for the conservation of the fur-seal herd. This figure is calculated with reference to the pro rata share heretofore received by Canada and to Canada's established interest in the fur seal resources, and is intended to be provisional only for the purposes of the present agreement.

With reference to the second point mentioned in the Legation's memorandum, I have to say that no objection is perceived to the deletion of the word "North" as used in the expression "North Pacific Ocean" in article I of the text of the agreement as proposed in the Department's note of May 7, 1942.

No objection is perceived to the suggestion, made under the third point in the Legation's memorandum, that consultations between the two Governments from time to time regarding the level of population of the herd, provided for by article VIII of the proposed agreement, shall also include other important phases of management or policy relating to the herd.

Likewise, no objection is perceived to the suggestions, made under the fourth point in the Legation's memorandum, that the agreement shall be retroactive for the 1942 season; also that it shall remain in effect for 12 months after the end of the present emergency unless either Government enacts legislation contrary to its provisions or until 12 months after either Government shall have notified the other Government of an intention of terminating the agreement.

With particular reference to the text of the proposed agreement it is understood, from conversations between representatives of our two Governments, that as far as practicable the provisions of the Fur Seal Convention of July 7, 1911, should be incorporated in the agreement together with the following principal changes and additions:

(1) An increase in the Canadian share of the fur-seal skins taken annually on the Pribilof Islands from 15 percent to 20 percent.

(2) A provision in the agreement for pelagic sealing under emergency circumstances. It is the view of the Government of the United States that the details regarding the conditions under which pelagic sealing might be conducted and the sharing of the sealskins taken by pelagic sealing should be



the subject of consultation between the two Governments in the event circumstances indicate that pelagic sealing should be resorted to in order to utilize effectively the fur-seal herd.

(3) A provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research.

(4) A provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

In the light of these considerations, the Government of the United States is prepared to enter into a provisional fur-seal agreement with the Government of Canada in the following terms which embody the suggestions made by representatives of the Canadian Government:

#### ARTICLE I

The provisions of this agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

#### ARTICLE II

The Government of the United States of America and the Government of Canada mutually and reciprocally agree that:

(a) Excepting as may be authorized pursuant to paragraph (c) of this article, nationals or citizens of the respective countries, and all persons, and vessels, subject to their laws and treaties, shall be prohibited, while this agreement remains in force, from engaging in pelagic sealing in the waters within the area defined in article I, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of the other party to this agreement, and detained by the naval or other duly commissioned officers of either of the parties, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of either of the parties to this agreement, shall be furnished with all reasonable promptness to the authorities having jurisdiction to try the offense;

(b) No person or vessel shall be permitted to use any of the ports or harbors of either of the parties to this agreement or any part of the territories of such parties for any purposes connected with the operation of pelagic sealing in the waters within the area defined in article I; and the importation into or possession within their respective territories of skins of fur seals taken in those waters other than in accord with the provisions of this agreement shall not be permitted; and

(c) Notwithstanding the foregoing provisions, pelagic sealing may be conducted, in the event of emergency circumstances, by an agency or agencies authorized by either of the two Governments under such conditions and for such a period as may be agreed upon by consultation between the two Governments, and the skins thus taken shall be shared in such a manner as may be agreed upon between them.

#### ARTICLE III

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters defined in article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands or at such other point or points as may be acceptable to both Governments, at the end of each season during the term of this agreement 20 percent gross in number and value thereof to an authorized agent of the Canadian Government.

#### ARTICLE IV

It is agreed on the part of Canada that in case any fur seals hereafter resort to any islands or shores of the waters defined in article I subject to the jurisdiction of Canada, there shall be delivered at the end of each season during the term of this agreement 20 percent gross in number and value of the total number of sealskins taken annually from such herd to an authorized agent of the Govern-



ment of the United States of America at Vancouver, British Columbia, or at such other point or points as may be acceptable to both Governments.

## ARTICLE V

The provisions of this agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced, and without the use of fire-arms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

## ARTICLE VI

The term "pelagic sealing" is hereby defined for the purposes of this agreement as meaning the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea.

## ARTICLE VII

Notwithstanding anything contained in the preceding articles of the present agreement, either party to this agreement may grant to any of its nationals or agencies a special permit to take fur seals for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the party deems appropriate. Each party shall at the end of each calendar year inform the other party of the number of animals taken and the data obtained under such permits.

## ARTICLE VIII

Nothing contained in the present agreement shall restrict the right of the United States at any time to suspend altogether the taking of sealskins upon the Pribilof Islands or any other islands or shores of the waters defined in article I subject to its jurisdiction, or the right of the United States to impose such restrictions and regulations upon the total number of skins which may be taken in any season and the manner and times and places of taking skins as may seem necessary to protect and preserve the seal herd or to increase its numbers: *Provided, however*, That the two Governments will consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

## ARTICLE IX

Each of the parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

The parties further agree to cooperate with each other in taking such measures as may be appropriate for the enforcement of the foregoing provisions.

## ARTICLE X

This agreement shall enter into force on the day the President of the United States of America approves legislation enacted by the Congress of the United States for its enforcement, and the day the Government of Canada issues an Order in Council applying the provisions of the agreement, or should the President's approval of the legislation and the issuance of the Order in Council be on different days, on the date of the later in time of such approval by the President or issuance of such Order in Council. When this agreement shall have entered into force it shall be deemed to have been in effect as from June 1, 1942. The agreement shall remain in effect for the duration of the present emergency and 12 months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary to its provisions or until 12 months after either Government shall have notified the other Government of an intention of terminating the agreement.

If the foregoing is acceptable to the Government of Canada, this note and your reply thereto will be regarded as placing on record the provisional agreement of the Government of the United States of America and the Government of Canada for the protection, preservation, and utilization of the fur-seal herd of the Pribilof Islands.

Accept, sir, the renewed assurances of my highest consideration.

CORDELL HULL.

CANADIAN LEGATION,  
Washington, December 19, 1942.

No. 794

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
Washington, D. C.

SIR: I have the honour to acknowledge the receipt of your note of December 8, 1942, setting forth the terms of the provisional fur-seal agreement which the Government of the United States is prepared to enter into with the Government of Canada.

Under instructions from my Government, I hereby advise you that the Government of Canada accepts the proposals of the Government of the United States contained in your note and in particular the provisional agreement.

Accept, sir, the renewed assurances of my highest consideration.

LEIGHTON MCCARTHY.

DEPARTMENT OF STATE,  
Washington, September 13, 1943.

The Honorable SCHUYLER OTIS BLAND,  
*Chairman, Committee on the Merchant*  
*Marine and Fisheries, House of Representatives.*

MY DEAR MR. BLAND: Reference is made to my letter of June 16, 1943, acknowledging the receipt of your letter of June 12, 1943, in which you request the views and recommendations of this Department on H. R. 2924, a bill to give effect to the provisional fur-seal agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes.

I am pleased to say that the Department of State not only perceives no objection to the enactment of the proposed legislation, but that it considers it highly desirable that such legislation be enacted as soon as practicable in order that the provisional fur-seal agreement between the United States of America and Canada effected by the exchange of notes signed at Washington on December 8, 1942, and December 19, 1942, copies of which are enclosed, may be brought into force as provided in article X thereof which reads in part as follows:

"ARTICLE X

"This Agreement shall enter into force on the day the President of the United States of America approves legislation enacted by the Congress of the United States for its enforcement, and the day the Government of Canada issues an Order in Council applying the provisions of the Agreement, or should the President's approval of the legislation and the issuance of the Order in Council be on different days, on the day of the later in time of such approval by the President or issuance of such Order in Council. \* \* \*"

I suggest for your consideration that the following minor amendments be made in the text of H. R. 2924:

*First Section.*

Page 2, lines 12 and 13: Delete "District of Columbia." The inclusion of that expression after "Washington" in giving the place of signature of an international agreement is considered unnecessary. The names of capitals of governments when given in international agreements are not usually followed by the names of the political subdivisions in which those capitals are located. The words "District of Columbia" do not appear at this place in S. 1219, which is similar to H. R. 2924.

Page 2, line 14: Replace "other treaty or agreement" by "treaty, convention, or other agreement".

*Section 4.*

Page 4, line 19: Insert "fur" before "seals" and "North" before "Pacific Ocean."

*Section 11:*

Page 8, line 24: Insert "of" before "any".

*Section 13.*

Page 10, line 6: Replace "subjects" by "persons". The word "subjects" may not be broad enough to include all of the individuals that may be concerned.

Page 10, line 14: Insert "party" after "other". The sentence of which line 14 is a part is closely related to the immediately preceding sentence in which the word "party" is used.

There are enclosed as of possible interest to you in considering H. R. 2924 copies of this Department's letters of January 13, 1943, to the Honorable Tom Connally, chairman, Committee on Foreign Relations, United States Senate, and the Honorable Sol Bloom, chairman, Committee on Foreign Affairs, House of Representatives, informing them, from the standpoint of our foreign relations, of the action which had been taken to protect this country's interest in the fur-seal resource.

A letter similar to this letter to you, excluding the last preceding paragraph, is being sent to the Honorable Tom Connally, chairman, Committee on Foreign Relations, United States Senate, in reply to his letter of June 12, 1943, requesting a report by this Department on S. 1219.

This report and the report regarding S. 1219 have been submitted to the Bureau of the Budget, which has now informed the Department that it has no objection to the submission of the reports to the respective committees:

Four complete copies of this report are enclosed as requested in your letter of June 16, 1943.

Sincerely yours,

CORDELL HULL.

Enclosures:

1. To Canadian Minister, December 8, 1942—copy.
2. From Canadian Minister, December 19, 1942—copy.
3. To the Honorable Tom Connally, January 13, 1943—copy.
4. To the Honorable Sol Bloom, January 13, 1943—copy.
5. Four copies of this letter with enclosures.

DEPARTMENT OF STATE,  
Washington, December 8, 1942.

The Honorable LEIGHTON MCCARTHY, K. C.,  
*Minister of Canada.*

SIR: I have the honor to refer to the conversation on August 12, 1942, between Mr. Merchant M. Mahoney, counselor of the Canadian Legation, and an officer of the Department when Mr. Mahoney left an informal memorandum dated August 10, 1942, in which it is stated that the terms of the Department's note, dated May 7, 1942, and the proposed provisional fur-seal agreement between the United States and Canada contained therein are generally acceptable to the Canadian authorities, but that the Canadian Department of Fisheries desires an interpretation of certain specific points.

The first of the points on which an interpretation is desired relates to the basis for the suggestion made by this Government that the Canadian share of the fur sealskins taken annually on the Pribilof Islands be increased to 20 percent by adding to the 15 percent heretofore received by Canada under the fur-seal convention concluded on July 7, 1911, between the United States, Great Britain, Japan, and Russia, a part of the share formerly received by Japan under that convention. With regard to this I am pleased to say that, in accordance with conversations between representatives of our two Governments, this Government's proposal that the Canadian share of the fur sealskins be increased to 20 percent is in recognition of the principles underlying the fur-seal convention of July 7, 1911, and the cooperation of the Canadian Government in scientific arrangements for the conservation of the fur-seal herd. This figure is calculated with reference to the pro rata share heretofore received by Canada and to Canada's established interest in the fur-seal resources, and is intended to be provisional only for the purposes of the present agreement.

With reference to the second point mentioned in the Legation's memorandum, I have to say that no objection is perceived to the deletion of the word "North" as used in the expression "North Pacific Ocean" in article I of the text of the agreement as proposed in the Department's note of May 7, 1942.

No objection is perceived to the suggestion, made under the third point in the Legation's memorandum, that consultations between the two Governments from time to time regarding the level of population of the herd, provided for by article VIII of the proposed agreement, shall also include other important phases of management or policy relating to the herd.

Likewise, no objection is perceived to the suggestions, made under the fourth point in the Legation's memorandum, that the agreement shall be retroactive for

the 1942 season; also that it shall remain in effect for 12 months after the end of the present emergency unless either Government enacts legislation contrary to its provisions or until 12 months after either Government shall have notified the other Government of an intention of terminating the agreement.

With particular reference to the text of the proposed agreement it is understood, from conversations between representatives of our two Governments that, as far as practicable the provisions of the fur-seal convention of July 7, 1911, should be incorporated in the agreement together with the following principal changes and additions:

(1) An increase in the Canadian share of the fur sealskins taken annually on the Pribilof Islands from 15 percent to 20 percent.

(2) A provision in the agreement for pelagic sealing under emergency circumstances. It is the view of the Government of the United States that the details regarding the conditions under which pelagic sealing might be conducted and the sharing of the sealskins taken by pelagic sealing should be the subject of consultation between the two Governments in the event circumstances indicate that pelagic sealing should be resorted to in order to utilize effectively the fur seal herd.

(3) A provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research.

(4) A provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

In the light of these considerations, the Government of the United States is prepared to enter into a provisional fur-seal agreement with the Government of Canada in the following terms which embody the suggestions made by representatives of the Canadian Government:

#### ARTICLE I

The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

#### ARTICLE II

The Government of the United States of America and the Government of Canada mutually and reciprocally agree that—

(a) Excepting as may be authorized pursuant to paragraph (c) of this Article, nationals or citizens of the respective countries, and all persons and vessels subject to their laws and treaties shall be prohibited, while this Agreement remains in force, from engaging in pelagic sealing in the waters within the area defined in Article I, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of the other Party to this Agreement, and detained by the naval or other duly commissioned officers of either of the Parties, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense, and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of either of the Parties to this Agreement, shall be furnished with all reasonable promptness to the authorities having jurisdiction to try the offense;

(b) No person or vessel shall be permitted to use any of the ports or harbors of either of the Parties to this Agreement or any part of the territories of such Parties for any purposes connected with the operation of pelagic sealing in the waters within the area defined in Article I; and the importation into or possession within their respective territories of skins of fur seals taken in those waters other than in accord with the provisions of this Agreement shall not be permitted; and

(c) Notwithstanding the foregoing provisions, pelagic sealing may be conducted, in the event of emergency circumstances, by an agency or agencies authorized by either of the two Governments under such conditions and for such a period as may be agreed upon by consultation between the two Governments, and the skins thus taken shall be shared in such a manner as may be agreed upon between them.



## ARTICLE III

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands or at such other point or points as may be acceptable to both Governments, at the end of each season during the term of this Agreement 20 percent gross in number and value thereof to an authorized agent of the Canadian Government.

## ARTICLE IV

It is agreed on the part of Canada that in case any fur seals hereafter resort to any islands or shores of the waters defined in Article I subject to the jurisdiction of Canada, there shall be delivered at the end of each season during the term of this Agreement 20 percent gross in number and value of the total number of sealskins taken annually from such herd to an authorized agent of the Government of the United States of America at Vancouver, British Columbia, or at such other point or points as may be acceptable to both Governments.

## ARTICLE V

The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

## ARTICLE VI

The term "pelagic sealing" is hereby defined for the purposes of this Agreement as meaning the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea.

## ARTICLE VII

Notwithstanding anything contained in the preceding Articles of the present Agreement, either Party to this Agreement may grant to any of its nationals or agencies a special permit to take fur seals for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Party deems appropriate. Each Party shall at the end of each calendar year inform the other Party of the number of animals taken and the data obtained under such permits.

## ARTICLE VIII

Nothing contained in the present Agreement shall restrict the right of the United States at any time to suspend altogether the taking of sealskins upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to its jurisdiction, or the right of the United States to impose such restrictions and regulations upon the total number of skins which may be taken in any season and the manner and times and places of taking skins as may seem necessary to protect and preserve the seal herd or to increase its numbers, provided, however, that the two Governments will consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

## ARTICLE IX

Each of the Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

The Parties further agree to cooperate with each other in taking such measures as may be appropriate for the enforcement of the foregoing provisions.

## ARTICLE X

This Agreement shall enter into force on the day the President of the United States of America approves legislation enacted by the Congress of the United States for its enforcement, and the day the Government of Canada issues an Order in Council applying the provisions of the Agreement, or should the President's approval of the legislation and the issuance of the Order in Council be on different days, on the date of the later in time of such approval by the President or issuance of such Order in Council. When this Agreement shall have entered into force it shall be deemed to have been in effect as from June 1, 1942. The Agreement shall remain in effect for the duration of the present emergency and twelve months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary to its provisions or until twelve months after either Government shall have notified the other Government of an intention of terminating the Agreement.

If the foregoing is acceptable to the Government of Canada, this note and your reply thereto will be regarded as placing on record the provisional agreement of the Government of the United States of America and the Government of Canada for the protection, preservation, and utilization of the fur-seal heard of the Pribilof Islands.

Accept, sir, the renewed assurances of my highest consideration.

CORDELL HULL.

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CANADIAN LEGATION,  
Washington, December 19, 1942.

The Honorable CORDELL HULL,  
Secretary of State of the United States,  
Washington, D. C.

SIR: I have the honour to acknowledge the receipt of your note of December 8, 1942, setting forth the terms of the provisional fur-seal agreement which the Government of the United States is prepared to enter into with the Government of Canada.

Under instructions from my Government, I hereby advise you that the Government of Canada accepts the proposals of the Government of the United States contained in your note, and in particular the provisional agreement.

Accept, sir, the renewed assurances of my highest consideration.

LEIGHTON MCCARTHY.

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DEPARTMENT OF STATE,  
Washington, January 13, 1943.

The Honorable TOM CONNALLY,  
Chairman, Committee on Foreign Relations,  
United States Senate.

MY DEAR SENATOR CONNALLY: I believe you may be interested in what has been done by this Department toward protecting the interest of the United States Government in the fur-seal herd of the Pribilof Islands (Alaska) following abrogation by Japan of the Fur Seal Convention of 1911 and the outbreak of war with that country.

The convention was concluded at Washington between the Governments of the United States, Great Britain (for Canada), Japan, and Russia for the preservation and protection of the fur-seal herds of the North Pacific Ocean, the chief American interest being the herd which frequents the Pribilof Islands. As a result of the notice of abrogation given by the Japanese Government on October 23, 1940, the convention terminated in October 1941. Upon receipt of the Japanese notice of abrogation steps were taken immediately by this Government toward concluding a new agreement with the countries concerned, and efforts were being made in this direction when hostilities with Japan began. It was then determined, in consultation with representatives of the Department of the Interior and the appropriate Canadian authorities, that a temporary arrangement should be made for the purpose of protecting the rights and interests of Canada and the United States in the fur-seal herd of the Pribilof Islands, especially to permit the continued utilization of this resource in an economic way. There was general agreement that the Fur Seal Convention of 1911 had been outstanding in the field of conservation and that its beneficial effects should be preserved. Accordingly a

provisional agreement has now been concluded between the United States and Canada by an exchange of notes between the Secretary of State and the Canadian Minister in Washington, copies of which are enclosed for your information. You will note from article X that the agreement is intended mainly to cover the duration of the present emergency.

In general the provisions of the Fur Seal Convention of July 7, 1911, have been incorporated in the provisional agreement. The principal new provisions in the agreement are as follows: An increase in the Canadian share of the fur-seal skins taken annually on the Pribilof Islands from 15 percent to 20 percent (from the 15 percent formerly received by Japan) in recognition of the principles underlying the Fur Seal Convention of 1911, and of the cooperation extended by the Canadian Government in connection with scientific arrangements for the conservation of the fur-seal herd of the Pribilof Islands; a provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research; and a provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained and other important phases of management or policy. A provision is also included in the agreement providing for pelagic sealing (taking of seals on the high seas) under emergency circumstances. This provision was included because of war conditions in order (1) to insure utilization of the fur-seal herd in the event it should become impossible to take seals on the Pribilof Islands and (2) to allow us to exercise privileges equal to those the Japanese might be in a position to exercise.

I may add that the Department has had the benefit of advice from the Fish and Wildlife Service of the Department of the Interior in working out the details of the agreement, and that officers of that Service collaborated with officers of the Department of State in negotiations with representatives of the Canadian Government.

I now wish to refer briefly to certain circumstances which determined the form of the agreement. When the problem first developed the question of time was of primary importance as the sudden break-down of negotiations looking toward a replacement convention, brought about by the war with Japan, left the fur-seal herd without adequate protection against possible wasteful and uneconomic exploitation. There was also the problem of making provision for a distribution between Canada and the United States of the sealskin take of 1942, in connection with sealing operations contemplated but later abandoned because of war conditions and the evacuation of the native population from the Pribilof Islands. It was, of course, not possible to foresee the latter development and the additional time it allowed to conclude an agreement.

In the circumstances it appeared desirable to conclude an early agreement with Canada and an exchange of notes, in place of a formal treaty, seemed best adapted to the purpose. This method appeared preferable for the reason that the negotiations might thereby be confined to the Governments of the United States and Canada. The conclusion of a formal treaty, on the other hand, would have involved reference of the matter to the British Government in London and possibly to the Government of the Soviet Union, with the probability of attendant delays arising from wartime difficulties, including the question of communications. Neither of these Governments shared in the fur-seal take of the Pribilof Islands under the convention of 1911.

It is the understanding of this Department that the Department of the Interior, as the agency charged with the administration of the fur-seal herd of the Pribilof Islands, will prepare and submit for the consideration of the Congress draft legislation for the purpose of giving effect to the agreement under reference. I have therefore desired to inform you and your committee with regard to the general background of the efforts that have been made, within the jurisdiction of this Department, relative to the agreement.

The importance of the resource in question is attested by data supplied by the Fish and Wildlife Service. It is estimated that the fur-seal herd of the Pribilof Islands comprises more than 2,250,000 animals, and in the sealing season of 1941 the take of skins aggregated more than 95,000. The total value of the take under normal conditions reaches approximately \$2,000,000 annually, the net return from which goes to the United States Government. The total value of the resource to the United States Government has been estimated at roughly \$100,000,000.

I am confident that you will understand from the information contained herein that the action taken has been fully warranted in view of the need to protect this country's interest in the fur-seal resource. The Department, of course, expects to follow closely all developments in this matter and to lay appropriate



plans for the conclusion of a permanent fur-seal convention as soon as international conditions may permit. A similar letter is being sent to the chairman of the House Committee on Foreign Affairs.

Sincerely yours,

CORDELL HULL.

DEPARTMENT OF STATE,  
Washington, January 13, 1943.

The Honorable SOL BLOOM,  
*Chairman, Committee on Foreign Affairs,  
House of Representatives.*

MY DEAR MR. BLOOM: I believe you may be interested in what has been done by this Department toward protecting the interest of the United States Government in the fur-seal herd of the Pribilof Islands (Alaska) following abrogation by Japan of the Fur Seal Convention of 1911 and the outbreak of war with that country.

The convention was concluded at Washington between the Governments of the United States, Great Britain (for Canada), Japan, and Russia for the preservation and protection of the fur-seal herds of the North Pacific Ocean, the chief American interest being the herd which frequents the Pribilof Islands. As a result of the notice of abrogation given by the Japanese Government on October 23, 1940, the convention terminated in October 1941. Upon receipt of the Japanese notice of abrogation steps were taken immediately by this Government toward concluding a new agreement with the countries concerned, and efforts were being made in this direction when hostilities with Japan began. It was then determined, in consultation with representatives of the Department of the Interior and the appropriate Canadian authorities, that a temporary arrangement should be made for the purpose of protecting the rights and interests of Canada and the United States in the fur-seal herd of the Pribilof Islands, especially to permit the continued utilization of this resource in an economic way. There was general agreement that the Fur Seal Convention of 1911 had been outstanding in the field of conservation and that its beneficial effects should be preserved. Accordingly a provisional agreement has now been concluded between the United States and Canada by an exchange of notes between the Secretary of State and the Canadian Minister in Washington, copies of which are enclosed for your information. You will note from article X that the agreement is intended mainly to cover the duration of the present emergency.

In general the provisions of the Fur Seal Convention of July 7, 1911, have been incorporated in the provisional agreement. The principal new provisions in the agreement are as follows: An increase in the Canadian share of the fur-seal skins taken annually on the Pribilof Islands from 15 percent to 20 percent (from the 15 percent formerly received by Japan) in recognition of the principles underlying the Fur-Seal Convention of 1911, and of the cooperation extended by the Canadian Government in connection with scientific arrangements for the conservation of the fur-seal herd of the Pribilof Islands; a provision permitting the issuance of permits for the taking of fur seals for purposes of scientific research and the exchange of information obtained by such research; and a provision that the two Governments consult from time to time regarding the level of population at which the seal herd is to be maintained and other important phases of management or policy. A provision is also included in the agreement providing for pelagic sealing (taking of seals on the high seas), under emergency circumstances. This provision was included because of war conditions in order (1) to insure utilization of the fur-seal herd in the event it should become impossible to take seals on the Pribilof Islands, and (2) to allow us to exercise privileges equal to those the Japanese might be in a position to exercise.

I may add that the Department has had the benefit of advice from the Fish and Wildlife Service of the Department of the Interior in working out the details of the agreement, and that officers of that Service collaborated with officers of the Department of State in negotiations with representatives of the Canadian Government.

I now wish to refer briefly to certain circumstances which determined the form of the agreement. When the problem first developed, the question of time was of primary importance as the sudden breakdown of negotiations looking toward a replacement convention, brought about by the war with Japan, left the fur-seal herd without adequate protection against possible wasteful and uneconomic exploitation. There was also the problem of making provision for a distribution



between Canada and the United States of the sealskin take of 1942, in connection with sealing operations contemplated but later abandoned because of war conditions and the evacuation of the native population from the Pribilof Islands. It was of course not possible to foresee the latter development and the additional time it allowed to conclude an agreement.

In the circumstances it appeared desirable to conclude an early agreement with Canada and an exchange of notes, in place of a formal treaty, seemed best adapted to the purpose. This method appeared preferable for the reason that the negotiations might thereby be confined to the Governments of the United States and Canada. The conclusion of a formal treaty, on the other hand, would have involved reference of the matter to the British Government in London and possibly to the Government of the Soviet Union, with the probability of attendant delays arising from wartime difficulties, including the question of communications. Neither of these Governments shared in the fur-seal take of the Pribilof Islands under the convention of 1911.

It is the understanding of this Department that the Department of the Interior, as the agency charged with the administration of the fur-seal herd of the Pribilof Islands, will prepare and submit for the consideration of the Congress draft legislation for the purpose of giving effect to the agreement under reference. I have therefore desired to inform you and your committee with regard to the general background of the efforts that have been made, within the jurisdiction of this Department, relative to the agreement.

The importance of the resource in question is attested by data supplied by the Fish and Wildlife Service. It is estimated that the fur-seal herd of the Pribilof Islands comprises more than 2,250,000 animals, and in the sealing season of 1941 the take of skins aggregated more than 95,000. The total value of the take under normal conditions reaches approximately \$2,000,000 annually, the net return from which goes to the United States Government. The total value of the resources to the United States Government has been estimated at roughly \$100,000,000.

I am confident that you will understand from the information contained herein that the action taken has been fully warranted in view of the need to protect this country's interest in the fur-seal resource. The Department of course expects to follow closely all developments in this matter and to lay appropriate plans for the conclusion of a permanent fur-seal convention as soon as international conditions may permit. A similar letter is being sent to the chairman of the Senate Committee on Foreign Relations.

Sincerely yours,

CORDELL HULL.

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#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, the existing laws to which reference is made in section 18 of the proposed legislation are set out for the information of the Members.

[R. S. sec. 1956; act of July 27, 1868, c. 273, s. 6, v. 15, p. 246]

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

[R. S. sec. 1959; act of Mar. 3, 1869, Res. No. 22, v. 15, p. 348]

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska are declared a special reservation for Government purposes; and until otherwise provided by

law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

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[R. S. sec. 1960; act July 1, 1870, c. 189, s. 1, v. 16, p. 180; act of March 24, 1874, c. 64, v. 18, p. 24]

SEC. 1960. It shall be unlawful to kill any fur seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

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[R. S. 1961; act of July 1, 1870, c. 189, s. 2, v. 16, p. 180]

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

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[Act of February 21, 1893; 27 Stat. 472]

CHAPTER 150.—An act to extend to the North Pacific Ocean the provisions of the statutes for the protection of the fur seals and other fur-bearing animals.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur seals in the North Pacific Ocean, by agreement with any power, or as a result of the decision of the tribunal of arbitration under the convention concluded between the United States and Great Britain February twenty-ninth, eighteen hundred and ninety-two, and so long as such arrangement shall continue, the provisions of section nineteen hundred and fifty-six of the Revised Statutes, and all other provisions of the statutes of the United States, so far as the same may be applicable, relative to the protection of fur seals and other fur-bearing animals within the limits of Alaska or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. Whenever an effective international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by proclamation, and to designate the portion of the Pacific Ocean to which it is applicable, and that this act has become operative; and likewise when such arrangement ceases, to declare that fact and that this act has been inoperative, and his proclamation with respect thereto shall be conclusive. During the extension as aforesaid of said laws for the protection of fur seals and other fur-bearing animals all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within the limits of Alaska or in the waters thereof, but they may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

Approved, February 21, 1893.

[Act of April 6, 1894; 28 Stat. 52]

CHAPTER 57. An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, for the purpose of submitting to arbitration certain questions concerning the preservation of fur seals.

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the agents of the respective governments on the fifteenth day of August, eighteen hundred and ninety-three:

#### ARTICLE 1

The Governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilof Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

#### ARTICLE 2

The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Bering Straits.

#### ARTICLE 3

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in the fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

#### ARTICLE 4

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

#### ARTICLE 5

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

#### ARTICLE 6

The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

#### ARTICLE 7

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.



## ARTICLE 8

The regulations contained in the preceding article shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars, or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Bering Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

## ARTICLE 9

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every 5 years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

*Now therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States, or person above described in section one of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Bering Sea which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Bering Straits.

SEC. 3. No citizen of the United States or person above described, in the first section of this Act, shall during the period and in the waters in which by section two of this Act, the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to, and used in connection with, such sailing vessel; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this Act to engage in fur-seal fishing operations shall accurately enter into his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this Act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided, however,* That this prohibition shall not apply to the use of shotguns in such operations outside of the Behring Sea during the season when the killing of fur seals is not there prohibited by this Act.

SEC. 6. That the foregoing sections of this Act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however,* That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this Act and regulations otherwise suitable to secure the due execution of the provisions of this Act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this Act, every person guilty of a violation of the provisions of this Act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 9. That any violation of this Act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur seals is by this Act there prohibited, having on board sealskins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this Act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid, in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authority of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however,* That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this Act.

Approved April 6, 1894.

[Act of December 29, 1897; 30 Stat. 226]

## CHAPTER 3. An Act Prohibiting the killing of fur seals in the waters of the North Pacific Ocean.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean north of the thirty-fifth degree of north latitude and including Bering Sea and the sea of Okhotsk.

SEC. 2. That no citizen of the United States, nor person above described in section one, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed in carrying on or taking part in said killing, capturing, or hunting of fur seals in said waters, nor shall any vessel of the United States be so used or employed.

SEC. 3. That every person guilty of a violation of the provisions of this Act, or of any regulations made thereunder, shall, for each offense, be fined not less than two hundred dollars nor more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 4. That if any vessel of the United States shall be found within the waters to which this Act applies, having on board fur-seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals, it shall be presumed that such vessel was used or employed in the killing of said seals, or that said apparatus or implements were used in violation of this Act until the contrary is proved to the satisfaction of the court.

SEC. 5. That any violation of this Act or of the regulations thereunder may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 6. That this Act shall not interfere with the privileges accorded to Indians dwelling on the coast of the United States under section six of the Act of April sixth, eighteen hundred and ninety-four, but the limitations prescribed in said Act shall remain in full force.

SEC. 7. That this Act shall not affect in any way the killing or taking of fur seals upon the Pribilof Islands, or the laws of the United States relating thereto.

SEC. 8. That any officer of the Naval or Revenue Cutter Service of the United States, and any other officers duly designated by the President, may search any vessel of the United States in port or on the high seas suspected of having violated or of having an intention to violate the provisions of this Act, and may seize such vessel and the offending officers and crew and bring them into the most accessible port of the States and Territory mentioned in section five of this Act for trial.

SEC. 9. That the importation into the United States by any person whatsoever of fur-seal skins taken in the waters mentioned in this Act, whether raw, dressed, dyed, or manufactured, is hereby prohibited, and all such articles imported after this Act shall take effect shall not be permitted to be exported, but shall be seized and destroyed by the proper officers of the United States.

SEC. 10. That the President shall have power to make all necessary regulations to carry this Act into effect.

Approved, December 29, 1897.

[Act of April 21, 1910; 36 Stat. 326]

## CHAPTER 183. An act to protect the seal fisheries of Alaska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: *Provided, however,* That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by



no other person: *And provided further*, That male seals only shall be killed and that not more than ninety-five per centum of three-year-old male seals shall be killed in any one year.

SEC. 2. That any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States: *Provided*, That the directions of this section, relating to the disposition of sealskins and the proceeds thereof, shall be subject to the provisions of any treaty hereafter made by the United States for the protection of seal life.

SEC. 3. That whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation, to be fixed from time to time by the Secretary of Commerce and Labor, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit.

SEC. 4. That section nineteen hundred and fifty-six of the Revised Statutes of the United States and section one hundred and seventy-three of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law."

SEC. 5. That section nineteen hundred and fifty-nine of the Revised Statutes of the United States and section one hundred and seventy-six of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect."

SEC. 6. That section nineteen hundred and sixty of the Revised Statutes of the United States and section one hundred and seventy-seven of the Act of March third, eighteen hundred and ninety-nine be amended to read as follows:

"It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor."

SEC. 7. That section nineteen hundred and sixty-one of the Revised Statutes of the United States and section one hundred and seventy-eight of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

"It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand

dollars or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States."

SEC. 8. That section one of the Act of December twenty-ninth, eighteen hundred and ninety-seven, be amended to read as follows:

"No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea."

SEC. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this Act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation; he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of Saint Paul and Saint George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of Saint Paul and Saint George, including the dwellings of the natives of said islands; he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have the authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

SEC. 10. That sections nineteen hundred and sixty-two, nineteen hundred and sixty-three, nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy, nineteen hundred and seventy-one, and nineteen hundred and seventy-two of the Revised Statutes of the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed. The provisions of this Act shall take effect from and after the first day of May, nineteen hundred and ten; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars for carrying into effect the provisions of this Act.

Approved, April 21, 1910.

[Act of August 24, 1912; 37 Stat. 499]

CHAPTER 373. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July seventh, nineteen hundred and eleven.

Whereas the plenipotentiaries of the United States, Great Britain, Japan, and Russia did, on the seventh day of July, anno Domini nineteen hundred and eleven, enter into a convention for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, which convention was subsequently ratified by the Governments of the United States, Great Britain, Japan, and Russia and the exchange of ratifications thereof was effected on the twelfth day of December, nineteen hundred and eleven: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any of their vessels, nor any vessel of the United States, nor any person belonging to or on board of such vessel, shall kill, capture, or pursue, at any time or in any manner whatever, any fur seal in the waters of the north Pacific Ocean north of the thirtieth parallel of north latitude and including the seas of Bering, Kamchatka, Okhotsk, and Japan; nor shall any such person or vessel kill, capture, or pursue sea otter in any of the waters mentioned beyond the distance of three miles from the shore line of the territory of the United States.

SEC. 2. That no citizen of the United States, nor person above described in the first section, shall equip, use, or employ, or furnish aid in equipping, using,

or employing, or furnish supplies to any vessel used or employed, or to be used or employed, in carrying on or taking part in pelagic sealing or in sea-otter hunting in said waters, nor shall any of their vessels nor any vessel of the United States be so used or employed; and no person or vessel shall use any of the ports or harbors of the United States, or any part of the territory of the United States for any purpose whatsoever connected with the operations of pelagic sealing or sea-otter hunting in the waters named in the first section of this Act; and no vessel which is engaged or employed, or intended to be engaged or employed, for or in connection with pelagic sealing or sea-otter hunting in such waters shall use any of the ports or harbors or any part of the territory of the United States for any purpose whatsoever.

SEC. 3. That the provisions of the first and second sections of this Act shall not apply to Indians, Aleuts, or other aborigines dwelling on the American coast of the waters mentioned in the first section of this Act who carry on pelagic sealing in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way hitherto practiced by the said Indians, Aleuts, or other aborigines, and without the use of firearms: *Provided, however,* That the exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall kill, capture, or pursue fur seals or sea otters under contract to deliver the skins to any person.

SEC. 4. That the importation or bringing into territory of the United States by any person whatsoever, of skins of fur seal or sea otters taken in the waters mentioned in the first section of this Act, or of skins identified as those of the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, or belonging to the American, Russian, or Japanese herds, whether raw, dressed, dyed, or manufactured, except such as have been taken under the authority of the respective parties to said convention, to which the breeding grounds of such herds belong, and have been officially marked and certified as having been so taken, is hereby prohibited; and all such articles imported or brought in after this Act shall take effect shall not be permitted to be exported, but shall be seized and forfeited to the United States.

SEC. 5. That the President shall have power to make regulations to carry this Act and the said convention into effect, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient. It shall be the duty of the Secretary of Commerce and Labor, under the direction of the President, to see that the said convention, the provisions of this Act, and the regulations made thereunder are executed and enforced; and all officers of the United States engaged in the execution and enforcement of this Act are authorized and directed to cooperate with the proper officers of any of the other parties to the said convention in taking such measures as may be appropriate and available under the said convention, this Act, or the regulations made thereunder for the purpose of preventing pelagic sealing as in this Act prohibited.

SEC. 6. That every person guilty of a violation of any of the provisions of said convention, or of this Act, or of any regulation made thereunder, shall, for each offense, be fined not less than two hundred dollars or more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 7. That if any vessel shall be found within the waters to which this Act applies, having on board fur-seal skins or sea-otter skins, or bodies of seals or sea otters, or apparatus or implements for killing or taking seals or sea otters, it shall be presumed that such vessel was used or employed in the killing of said seals or sea otters, or that said apparatus or implements were used in violation of this Act, until the contrary is proved to the satisfaction of the court, insofar as such vessel, apparatus, and implements are subject to the jurisdiction of the United States.

SEC. 8. That any violation of the said convention, or of this Act, or of the regulations thereunder, may be prosecuted either in the district court of Alaska, or in any district court of the United States in California, Oregon, or Washington.

SEC. 9. That it shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herd or herds and sea otter, in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service; and any officer of any such vessel engaged in such service and any other



officers duly designated by the President may search any vessel of the United States, in port, or in territorial waters of the United States, or on the high seas, when suspected of having violated or being about to violate, the provisions of said convention, or of this Act, or of any regulation made thereunder, and may seize such vessel and the officers and crew thereof and bring them into the most accessible port of the Territory or of any of the States mentioned in the eighth section of this Act for trial.

SEC. 10. That any vessel or person described in the first section of this Act offending or being about to offend against the prohibitions of the said convention, or of this Act, or of the regulations made thereunder, may be seized and detained by the naval or other duly commissioned officers of any of the parties to the said convention other than the United States, except within the territorial jurisdiction of one of the other of said parties, on condition, however, that when such vessel or person is so seized and detained by officers of any party other than the United States such vessel or person shall be delivered as soon as practicable at the nearest point to the place of seizure, with the witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however,* That the said officers of any party to said convention other than the United States shall arrest and detain vessels and persons, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized the naval or other officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the proper officers of such party vessels and subjects under the jurisdiction of that Government offending against said convention or any statute or regulation made by that Government to enforce said convention. The President of the United States shall determine by proclamation when such authority has been given by the other parties to said convention, and his determination shall be conclusive upon the question; and such proclamation may be modified, amended, or revoked by proclamation of the President whenever, in his judgment, it is deemed expedient.

SEC. 11. That from and after the approval of this Act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of five years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided,* That this prohibition shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands as is provided for in article eleven of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further,* That at the expiration of the said five years' suspension of all commercial killing as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however,* That the number of three-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August first, shall not be fewer than the following: In nineteen hundred and seventeen, and in each year thereafter until nineteen hundred and twenty-six, inclusive, five thousand. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles

of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of four hundred thousand dollars.

SEC. 12. That the term "pelagic sealing" where used in this Act shall be taken to mean the killing, capturing, or pursuing in any manner whatsoever of fur seals while the same are in the water. The word "person" where used in this Act shall extend and be applied to partnerships and corporations.

SEC. 13. That this Act shall take effect immediately, and shall continue in force until the termination of the said convention.

Approved, August 24, 1912.

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[Joint resolution, June 22, 1916; 39 Stat. 236]

CHAPTER 171. Joint Resolution Authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce be, and he is hereby, authorized to sell all skins taken from seals killed on the Pribilof Islands for food purposes under section eleven of the Act of August twenty-fourth, nineteen hundred and twelve, in such market at such times and in such manner as he may deem most advantageous, and the proceeds of such sale or sales shall be paid into the Treasury of the United States.

Approved, June 22, 1916.

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